

**Aerospace
Industries
Association**PRIVATE RADIO BUREAU
SPECIAL SERVICES

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October 25, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marc S. Martin
Federal Communication Commission
1919 M Street, NW
Room 5114
Washington, DC 20554

Subject: Aerospace Industries Association (AIA) Comments on FCC
NPRM ~~93-199~~ (FCC 93-331), "Instrument Landing System
Receivers and VHF Omnidirectional Radio Receivers"

Dear Mr. Martin:

AIA members are vitally interested in assuring that our aircraft are safe, and that they have a safe environment in which to operate. We believe that the aviation industry should support the ICAO recommendations that U.S. and VOR receivers installed on new aircraft for delivery after January 1, 1995 comply with the recommendations for enhanced immunity to FM broadcast interference. The subject NPRM does, however, raise several issues and concerns which are commented on below.

Specific Comments on the Proposed Rule:

AIA requests withdrawal of the date (January 1, 1994) for application of the proposed rule to all ILS and VOR receivers manufactured or imported for sale in the United States. Following discussions with our equipment suppliers, we believe that realistically this schedule cannot be met with ICAO-compliant equipment. This would result in a discontinuity in equipment supply and possible disruption in the ability of the airframe manufacturers to deliver aircraft. The manufacture of current equipment should be allowed to continue until such time as ICAO-compliant equipment has been approved by the FAA for installation in aircraft. The date proposed in the NPRM is unreasonable and would impose major financial burdens on suppliers and airframe manufacturers. The date (January 1, 1994) should therefore be withdrawn and the industry should continue to work towards the ICAO recommended date of January 1, 1995 for the installation of ICAO-compliant equipment in new aircraft.

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List A B C D E

To avoid the economic burden of carrying dual spares, airline operators should be permitted to intermix equipment as spares after airplane delivery. To enhance the ability to maintain configuration control during aircraft manufacture and airline operation, the equipment part number should distinguish ICAO-compliant from current equipment, rather than auxiliary information or other labels.

The NPRM proposes to use the test procedures defined by the RTCA MOPS for ILS and VOR receivers as the basis for applications for equipment authorization. The test procedures as defined in these MOPS are simplistic and insufficient in detail. Test conductors find it necessary to embellish these procedures, using their own ingenuity, to ensure an adequate and valid test, with local variations, which does not provide a sound basis for accomplishing equipment authorization as proposed in the NPRM. Both EUROCAE Working Group 43 and the ITU/CCIR Working Group 12/1 are working on test procedure improvements with a view to recommending revisions to RTCA DO-195 and DO-196.

The ICAO Annex 10 recommendations were also applied to the VHF Communication systems. Although the NPRM mentions the "...VHF [radiotelephone] system..." in the background discussion (II., para, 2), the VHF Communication system has been exempted from the proposed rule. The FCC is requested to provide the aviation industry with their rationale on this point, together with any supporting analysis.

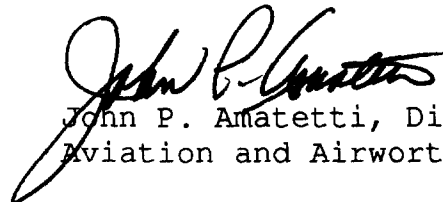
General Comments:

The NPRM (III., para. 5 through) seeks to justify the proposed rule on the basis of aircraft safety considerations. The discussion of aircraft operational limitations that would be embodied into the proposed rule (III., para. 9) implies that after January 1, 1998. Equally important is the implication that, with the proposed rule, the "ICAO-compliant" equipment will be safe in the 1998 FM broadcast environment. It is assumed that the FCC, in proposing this legislation, has access to information that has analytically addressed the important issues of "necessity" and "sufficiency". We have no knowledge of any recent studies of this type and do not know whether studies leading to the ICAO recommendation in 1985 were sufficiently comprehensive, or to what extent they are applicable to the 1998 environment. The NPRM postulates some scenarios but provides no analysis or data in support of the contention that existing equipment might become unsafe at some time in the future. If the FCC has the results of relevant studies available, they are requested to share their findings and data with the aviation industry. If relevant studies have not been

completed, then they should be performed without delay in order to avoid the possibility of yet another round of future equipment modifications. Should the FCC desire our assistance with such studies, we are prepared to entertain suggestions for participation. "Sufficiency" needs to be firmly established prior to design-freeze for the manufacture of ICAO-compliant equipment. The latest practical date for design-freeze that will support airframe manufacturing planning schedules is 2Q94 for January 1, 1995 new aircraft deliveries.

Referring to Appendix C of the NPRM, AIA does not agree that there is no overlap or conflict with other federal Rules. Traditionally, rules associated with safety considerations in the design, manufacture and operation of aircraft have been consolidated under C.F.R. Title 14, Chapter I, Federal Aviation Administration Department of Transportation, Parts 1 through 199. We are not aware of any regulatory action on this issue under Title 14. This NPRM, whose principal justification is given as aircraft safety considerations, would result in a rule mandating both aircraft equipage and aircraft operational limitations. The rule would be incorporated under Title 47 where, in our view, it clearly does not belong. This would result in confusion to the aviation industry, as well as an undesirable proliferation of federal regulations on the industry. We believe that the above situation constitutes both overlap and conflict with C.F.R. Title 14, Chapter I. The aviation industry wishes to interface with a single Federal Agency on the matter of aviation safety namely, the Federal Aviation Administration. If regulatory action is necessary due to aircraft safety considerations, such action should be taken under Title 14, not Title 47.

Sincerely,


John P. Amatetti, Director
Aviation and Airworthiness

JPA/fdm